IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHEN DIVISION

736 BUILDING OWNER, LLC;
CYTEC SOFTWARE SYSTEMS, INC.;
OSCAR DE LEON, individually   PLAINTIFFS

VS.   CIVIL ACTION NO: 3:14-cv-222-DCB-MTP

REGIONS BANK;
JOHN AND JANE DOES 1-5   DEFENDANTS

ORDER DENYING MOTION TO DISMISS

This matter is before the Court on Defendant's, Regions Bank, Motion to Dismiss for Failure to State a Claim Upon Which Relief can be Granted and Failure to Join Parties under Rule 19 or, in the alternative, Motion to Join Indispensable Parties **[docket entry no. 9]**. The Court has previously entered an Order **[docket entry no. 28]** granting Defendant's Motion to Stay Proceeding **[docket entry no. 24]**. Upon more thorough review of the defendant's rebuttal to the Motion to Dismiss, the Court finds it appropriate to amend its previous order.

In its rebuttal, Regions Bank requested limited discovery related to "the capacity of 736 Building Owner, LLC to bring this suit as well as the interests of the potential necessary and indispensable parties." Resp. p. 7. Based on this request, the Court will deny the motion to dismiss or, in the alternative, join indispensable parties, without prejudice. Regions Bank may refile

its motion after the limited discovery has been completed.

IT IS HEREBY ORDERED that the defendant's request for limited discovery is GRANTED.

FURTHER ORDERED that the defendant's Motion to Dismiss or, in the alternative, Join Indispensable Parties is DENIED without prejudice and defendant may refile a motion to dismiss after the conclusion of limited discovery.

FURTHER ORDERED that the stay order is modified to allow the limited discovery sought by the defendant and the parties shall contact the Chambers of Magistrate Judge Michael T. Parker within seven (7) days of entry of this Order for purposes of scheduling the limited discovery.

SO ORDERED this the 23rd day of October 2014.

                                    /s/ David Bramlette
                                   UNITED STATES DISTRICT JUDGE